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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,003

09/25/2003

Pertti Kontio

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EXAMINER

ROSWELL, MICHAEL

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/671,003	KONTIO, PERTTI	
	Examiner	Art Unit	
	Michael Roswell	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,3-7,9-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,664,991 to Chew et al. (hereinafter Chew) and U.S. Patent No. 5,995,101 to Clark et al. (hereinafter Clark).

Referring to claims 1, 7, and 13, Chew teaches a series of operational steps expressible in computer codes for an electronic device capable of carrying out commands for a method of interacting with an icon displayed on a touch screen in an electronic device (i.e. hand-held computing device; col. 1, lines 27-30), the electronic device capable of carrying a command (input function) and further capable of providing a message (i.e. context menu or tool tip) associated with the command (col. 3, lines 33-67), wherein the input function is displayed at a designated area (designated coordinates; col. 3, lines 41-44) of the screen so as to allow a user to interact with the input function by using a physical object (stylus), said method comprising the steps of:

contacting the screen at the designated area by the physical object (press); and

keeping the physical object at the designated area longer than a selected time to cause the electronic device to provide the message (and hold gesture). See col. 1, lines 56 – col. 2, line 9.

Chew also describes that the user may remove the stylus before the selected time has expired, such that the context menu is not displayed, and that this stylus up event is dispatched

to the parent application. See col. 7, lines 1-8. Chew describes that tapping (i.e. stylus down followed by stylus up event) may cause selection of an entry.

Chew does not explicitly mention that the input function is a command symbolized by an icon or that the stylus up event before the expiration of the selected time causes the command to be executed.

However, Clark teaches that tool tips are commonly associated with icons and that when a user selects the icon with a pointing device, the command associated with the icon is carried out. See col. 1, lines 10-40.

It would have been obvious to one of ordinary skill in the art to provide the executable icons of Clark within the hand-held computing device of Chew such that icons represent executable input functions in Chew, in order to represent input functions with graphical images as supported in Clark.

Furthermore, Chew and Clark teach removing the physical object from the screen after the message is displayed to cause the electronic device to carry out the command (i.e. Clark teaches selecting the icon at any time invokes the associated function; col. 1, lines 26-28), or

moving the physical object off the desired area while keeping the physical object on the screen after displaying the message to end the message, as Chew teaches at the most basic level the use of gestures for performing commands related to a context menu (col. 1, lines 61-65). Chew teaches at col. 4, lines 7-9 that a context menu may be dismissed by tapping a stylus outside of the context menu in one embodiment of the claims. However, as Chew also teaches a "move" gesture wherein the user drags the stylus outside of the context menu (col. 6, lines 48-51), it would have been obvious to utilize this "move" gesture with any command related to a context menu, such as the closing of the context menu.

Referring to claims 3, 9, and 15, Chew and Clark teach removing the physical object from the screen after ending the display of the message (i.e. stylus up event); or

moving the physical object to a further designated area after ending the display of the message for causing the electronic device to provide a message associated with the further designated area (i.e. each hold over an icon causes the associated context menu or tool tip to be displayed). See Chew at Fig. 3, 300, which shows other selectable areas, and Clark at Fig. 1, which shows several icons with related tool tips.

Referring to claims 4 and 10, Chew and Clark teach removing the physical object from the screen after moving the further object to a further designated area to cause the electronic device to carry out a command associated with the further designated area (i.e. Clark teaches selecting an icon at any time invokes the associated function; col. 1, lines 26-28).

Referring to claims 5-6 and 11, the provided message of Chew and Clark comprises a text message (text bubble) that is displayed on the screen (i.e. Chew at Fig. 4, 400).

Referring to claim 12, Chew does not explicitly teach that the message may be in an audible form from an audio device. However, Clark teaches that tool tips may be presented as audio (col. 2, lines 1-9). It would have been obvious to one of ordinary skill in the art to provide the tool tip of Chew in a audible format as described by Clark in order to tailor the tool tip to the user's needs as supported by Clark, especially for the small screen device of Chew.

Response to Arguments

Applicant's arguments filed 25 April 2006 have been fully considered but they are not persuasive. In response to applicant's argument that Chew fails to teach "moving the physical object off the designated area while keeping the physical object on the screen after step 3 to end the message", the examiner respectfully disagrees. As previously cited, Chew discloses

the use of a "tap" gesture outside of a context menu for the dismissal of the context menu without the user making a selection. However, the examiner notes that this is only in one single embodiment of the invention, and as such does not limit the system of Chew to the use of only that "tap" gesture for carrying out the context menu dismissal. As Chew teaches a "move" gesture similar to the claimed "moving the physical object off the designated area while keeping the physical object on the screen after step 3 to end the message", the examiner contends that any recognized gesture may be programmed to select the commands relating to the context menu, such as the use of the "move" gesture to dismiss the context menu.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Roswell
7/5/2006

TADESSE HAILU
Patent Examiner
